UNITED
NATIONS

A

General Assembly

LIMITED

A/CONF.151/PC/WG.III/L.16
29 August 1991

Original: ENGLISH

PREPARATORY COMMITTEE FOR THE UNITED NATIONS
CONFERENCE ON ENVIRONMENT AND DEVELOPMENT
Third session
Geneva, 12 August - 4 September 1991
Working Group III
Agenda item 4

PRINCIPLES ON GENERAL RIGHTS AND OBLIGATIONS

Letter dated 23 August 1991 from the Permanent Representative of the Holy See to the Preparatory Committee for the United Nations Conference on Environment and Development at its third session addressed to the Secretary-General of the United Nations Conference on Environment and Development

I refer to my letter N. 2232-NU/91, of 16 August 1991, by which I submitted to you a document of the Holy See on a number of environment and development issues which may deserve consideration in view of a possible adoption of an Earth Charter at the United Nations Conference on Environment and Development, to be held in June 1992 in Rio de Janeiro.

The document, a summary of which was presented to the Working Group III of this Preparatory Committee, has been received very favourably by many of the delegates. Therefore, I should be most grateful if you could arrange for this paper, copy of which I enclose herewith, to be distributed during the current session of the Preparatory Committee.

(Signed) Justo Mullor
Apostolic Nuncio
Permanent Representative

GE.91-72306/7219a

92-10517

Annex

Contribution of the Holy See to the Proposed Charter concerning the Basic Rights and Duties of States and Peoples as regards the Environment

It is becoming increasingly clear that only **a morally coherent world view** will lead to those carefully coordinated efforts necessary if peoples and States are to find adequate solutions to the vast range of ecological challenges facing the world today.

As its specific contribution to the proposed Declaration or Charter concerning the basic rights and duties of States and peoples as regards the environment, to be approved during the United Nations Conference on Environment and Development (1992), the Holy See would, therefore, like to indicate:

1. Some of the **basic ethical principles** that underlie any such specific rights and duties;

2. **Certain particular rights and duties** derived from these same principles.

For the Holy See, the moral imperative to care for the environment is **theological in nature.** God, in creating the world, entrusted it to men and women who are called to share actively in the unfolding of his plan for creation. When persons consciously ignore or transgress this plan, they provoke disorder which has inevitable repercussions on the rest of the created order. The ecological crisis is **a moral issue** (cf. John Paul II, 1990 World Day of Peace Message, Nos. 5 and 15).

The ethical principles that flow from this moral imperative are **universal in character.** "Many ethical values, fundamental to the development of a peaceful society, are particularly relevant to the ecological question" (ibid. No. 2). At the same time, these principles form **an integral whole** and cannot be applied partially or selectively.

The human person is ultimately the subject of rights and duties. However, Part II of the present note focuses on the corresponding **obligations of the State and of the international community** as such for two reasons:

1. The need for the development of adequate legal instruments. While the individual has the strict moral obligation to behave responsibly as regards the protection of the environment, it is **the State and/or States that are responsible** for the development of those juridical instruments that will both prevent damage to the environment and foster a sound environment for the good of all.

2. The nature of the environmental crisis. Many of the environmental questions challenging society today are **transboundary in nature** and hence call for cooperative and coordinated efforts among States in seeking solution to them.

Part I: Basic ethical principles

1. The first fundamental principle, directly relevant to care for the environment, is that there is **an order in the universe that must be respected.** Theology, philosophy and science all converge in recognizing the existence of this order. The entire universe and all it contains has, in fact, been endowed by its Creator with its own integrity and its own internal, dynamic balance. This principle not only **sets limits** to human interference in the environment but also **directs human activity** towards a respectful, careful exploration and use of the earth and of all its systems.

2. The human person occupies **a distinctive and central place** within the world. Created by God in his image, this person is therefore endowed with an **inalienable dignity.** The promotion of the dignity of all persons without distinction is "the ultimate guiding norm for any sound economic, industrial or scientific development ... Pollution or environmental destruction is the result of an unnatural and reductionist vision which at times leads to a genuine contempt for man" (ibid. No. 7).

3. Despite human frailty, **the individual person** alone has the ability "to seek and freely know good, to recognize and reject evil, to choose truth and oppose error" (John Paul II, 1991 World Day of Peace Message, No. 1). This person is therefore **responsible** for the positive or negative consequences of his or her actions. This responsibility is the source of **precise duties** towards the environment. To care for the environment is not a matter of choice but rather is **a moral duty.**

4. At the same time, the human person is in **a special relationship with the rest of creation** for which he or she is not only responsible but with which he or she lives in interdependence. The natural world demands respect. As a result, **the nature of each being** - animals, plants, the natural elements - and their **mutual connection** in an ordered world must be taken into account. Likewise, limited natural resources **cannot be used with absolute dominion,** as if they were inexhaustible (cf. John Paul II, Encyclical Sollicitudo rei socialis, No. 34).

5. The goods of the earth - including those produced by human activity - are for **the benefit of all,** not that of the few, because God, in creating all things, "destined the earth and all it contains for the use of every individual and all peoples" (Vatican Council II, Const. Gaudium et Spes, No. 69). "All other rights whatsoever, including those of property and of free commerce, are to be subordinated to this principle" (Paul VI, Encyclical Populorum progressio, No. 22). Consequently, **all peoples and countries** must have access to those goods - natural, technological, intellectual, spiritual - that can assure their integral development, that is a development which promotes "the good of every man and of the whole man" (ibid. 14). This is a matter of justice.

6. The duty to promote the integral development of all demands a corresponding **solidarity** in seeking to promote an ever-better quality of life for all, as well as the protection of the environment which supports that life. This duty of solidarity is **universal in nature.** It extends to all

peoples and regions. It applies to industrialized countries and to developing countries, as well as to relations between and among them. Equity demands, however, that the responsibilities flowing from this universal duty is **differentiated and complementary** according to the needs and ability of each.

7. The weaker peoples or States have a special moral claim on the solidarity of others. The stronger, more economically advantaged countries have the duty to help the less developed or economically disadvantaged countries to ensure that the integral development of their people - social, cultural, religious and political, as well as economic - can take place in harmony with sound environmental policy (cf. Paul VI, Message to the (1972) United Nations Conference on the Human Environment).

8. Science and technology are **at the service of the human person** and are not ends in themselves. This is the ultimate ethical norm for all scientific or technological research and its applications. It strictly limits development in certain areas (among which human genetic transformation) while encouraging it in those areas that benefit the harmonious development of human society (such as medical and agricultural fields).

9. The responsibility to use the resources of the earth for the benefit of all has **a temporal as well as special aspect.** Damage to the environment affects not only the present but also future generations. Hence, **the good of future generations must be considered** in all actions that affect the environment.

10. The principle of **the common good** - which includes that of future generations - calls for an appropriate weighing of the risk factor, including environmental safety and the health of the producer and the user, as well as the long-term effect of individual and collective actions, the impact of which is only evident over time. It is a duty, incumbent on all, to exercise **caution and restraint before the unknown.** Those activities that cause irreversible damage to the environment are clearly against the common good.

Part II: More particular duties

1. Since environmental phenomena are generally **transboundary** in nature, and since the effects of environmental damage do not respect national boundaries, **all States must work together** to develop those means and legal instruments that both protect and promote a sound environment. This duty applies in the first place to their own national jurisdiction, and then to appropriate regional bodies and to the international community as a whole.

2. All States likewise share **a common responsibility** in solidarity to guarantee by appropriate measures the right of all peoples to development that respects **their corresponding right to a healthy environment.** The scope of such measures is founded in "the urgent need to construct a human coexistence which will everywhere guarantee to the individual, to communities and particularly to minority groups, the right to life, to personal and social dignity, to development in a safe and improved environment, and to an

equitable division of nature's resources and the fruits of civilization". (Paul VI, Message on the occasion of the 25th Anniversary of the Universal Declaration of Human Rights, 10 December 1973, 32-33)

3. Both **equity and justice** demand that the responsibility of each State for the prevention of environmental damage be in accord with the **degree of its environmental damaging activities.** Similar consideration must also be given to **its ability to limit such damage,** while pursuing the integral development of its citizens.

4. The **industrialized countries** have a twofold responsibility:

- as the heaviest polluters, that of controlling and reducing their polluting activities, both in the private and public sector, as well as that of adopting those measures that will promote a sound environment;

- that of finding adequate and appropriate means to help countries in the process of industrialization to avoid undue pollution and to limit damage to the environment resulting from poor agricultural or commercial policies.

5. The **developing countries** have corresponding responsibilities:

- that of orienting their industrialization process towards environmentally sound practices, avoiding - in so far as they are able - a repetition of the mistakes that other countries made in the past;

- that of ensuring that their overall development plans and policies are integral in approach and not limited solely to economic growth;

- that of helping the States of their own region or other weaker States to preserve and foster their own, often unique, natural environment.

6. Not only industrial or development activities but also **consumption patterns** cause and damage the environment. Those responsible for development within a given area have the duty to see that **wasteful consumption patterns or style of life** are not being promoted for economic gain alone. At the same time, **sobriety and restraint** are an obligation for all: individuals as well as groups and States. The life-style of the few cannot damage the **quality of life** of others, a quality that all must consistently work to improve.

7. In this regard, the quality of the **human environment** must be both safeguarded and promoted. First and foremost, **the natural and moral structure** with which the human person has been endowed must be respected (cf. John Paul II, Encyclical Centesimus annus, n. 38) and the **family** provided with the means of ensuring a decent and healthy atmosphere for the growth of all its members. **Human resources** are the most valuable asset of a country.

8. Within the context of the protection of the human environment, certain indigenous peoples live in a **special relationship to their natural surroundings.** The right of such peoples to maintain this relationship and to live according to their long-standing cultural patterns must be guaranteed by adequate means. These necessarily include protecting those natural surroundings in which they live.

9. The quality of the human environment is also closely related to the development of **rational urbanization patterns and proper land use,** particularly in urban concentrations, both of which affect the well-being of the individual and the family.

10. The protection of the **natural habitat of various animal and plant species,** especially those threatened with extinction, requires coordinated efforts among those responsible, on the national, regional and international level, for such fields as urban planning, agricultural, environmental concerns, commerce and industry.

11. Likewise, every reasonable measure must be taken to preserve the maximum possible **biological diversity** for the benefit of present and future generations. Each species, in fact, makes its particular contribution to the delicate balance of ecosystems in general and the long term effects of the present accelerating depletion of biological diversity are as yet unknown. The potential uses - in, for example, the fields of medicine and agriculture - of various living organisms remain to be explored. Since the loss of a species is irreversible, **prudence** demands that this loss be reduced to a minimum.

12. If animal and plant diversity must be protected, how much more is it a strict duty to **preserve the diversity of peoples.** Overt or covert genocide as well as more indirect means of racial selection - including unacceptable means of controlling or blocking the growth of certain population groups - cannot be morally justified under any circumstances.

13. In the field of **technology,** the possible **environmental impact** of a given technology must be taken into account at all stages of research and development. Adequate norms must be developed in this regard, and steps taken to ensure their application.

14. States, in accord with their duty of solidarity, have the obligation to ensure **a just and equitable transfer of appropriate technology.** The **property rights** of the developers of such technology must, however, be protected to **a just degree.**

15. In the field of **biotechnology, clearly defined ethical principles must prevail** over all other interests, be they economic or other. Appropriate instruments must ensure the observance of these principles. "Respect of the dignity of the human person excludes all experimental manipulation or exploitation of the human embryo". Likewise, "all interventions on the genetic heritage of the human person that are not aimed at correcting anomalies constitute a violating of the right to bodily integrity ...". (Holy See's Charter of the Rights of the Family, 1983, 4,b,c)

16. Strict regulations must also be adopted concerning the development and possible release of **new living organisms** into the environment. Such a release could modify or upset irreversibly the ecological balance within a given system and hence among systems.

17. The damage to the natural and human environment caused by war is an **increasingly serious problem.** It is a moral duty for States to take all necessary measures to avoid war. The international community must urgently continue to work to put in place **adequate international structures,** eventually **with sufficient authority,** effectively to prevent States from turning to war. The United Nations has not yet succeeded in establishing effective means for the resolution of international conflicts. "This seems to be the most urgent problem which the international community has yet to resolve". (John Paul II, Encyclical Centesimus annus, 21). The environmental consequences of war are vast. "Today, any form of war on a global scale would lead to incalculable ecological damage. But even local or regional wars, however limited, not only destroy human life and social structures, but also damage the land, ruining crops and vegetation as well as poisoning the soil and water. The survivors of war are forced to begin a new life in very difficult environmental conditions, which in turn create situations of extreme social unrest, with further negative consequences for the environment". (John Paul II, 1990 World Day of Peace Message, 12)

18. Persons and groups on all levels of society have a right to **sure and adequate information** regarding the environmental and health impact both of the products they use and of the development plans of their respective governments. This includes objective information concerning industrial and energy policies. Such accurate and sufficiently complete information that will help them to fulfil their duty **to participate in determining the environmental policies** of their country both on a local and national level. Such information is likewise necessary to ensure accountability of governmental bodies. Because of the transboundary effect of environmental phenomena, **international means** must likewise be developed for an adequate and responsible sharing of information among States, particularly between neighbouring countries and among those of the same region.

19. All have the duty to inform themselves as regards the measures necessary to preserve and promote a healthy environment. For this reason, all bodies concerned - families, schools, religious and civil organizations, as well as governments - must help to ensure **soumd ecological education** on all levels. Such education must be aimed at the development of those **moral values** that lead to the harmonious development of society, among which **respect** for other persons and peoples and for the rest of creation and the **promotion of the good of the other, restraint and sobriety.** Likewise, in any sound ecological education, children and adults alike must be formed to consider the

international aspects of environmental questions so that they may learn to promote the good of all, wherever or under what conditions they may live.

20. Finally, the **re-creative and aesthetic value** of the preservation of the environment cannot be overlooked or underestimated. Not only do those responsible have the duty to preserve and care for places of natural beauty, they must also ensure access to them in such a way that this beauty is not destroyed by careless use. In this light, environmetal education must also include **aesthetic education**. The relationship between such an education and the maintenance of a healthy environment cannot be underestimated (cf. ibid., 14).

August 1991.